

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-5 are pending in the application. In response to the Office Action, Applicant respectfully submits that the pending claims define patentable subject matter. By this Amendment, Applicant has amended claims 1-5 to improve clarity.

As a preliminary matter, Applicant thanks the Examiner for acknowledging that claims 4 and 5 would be allowable if rewritten in independent form. However, Applicant respectfully requests the Examiner to hold in abeyance the rewriting of these claims until the Examiner has had the opportunity to reconsider the rejected parent claims in light of the arguments presented below in support of the Applicant's traverse of the rejection.

Although the Examiner has acknowledged the claim for foreign priority under 35 U.S.C. § 119, the Examiner did not acknowledge receipt of the certified copy of the priority document by checking box 12(a)(1) on the Office Action Summary. Accordingly, the Examiner is requested to acknowledge receipt of the certified copy of the priority document in the next action.

The specification is objected to because the Examiner maintains that the header is missing for the section about detailed description of the invention. By this Amendment, Applicant has amended the specification to provide the missing header. Accordingly, the Examiner is requested to remove the objection to the specification..

The drawings are objected to because the block elements Figs. 3 and 4 are provided with descriptive labels. Along with this Amendment, Applicant is submitting replacement drawings

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for Figs. 3 and 4 wherein the block elements are provided with descriptive labels. Accordingly, the Examiner is requested to remove the objection to the drawings.

Claim 2 is objected to because of a stylistic informality noted by the Examiner. By this Amendment, Applicant has amended claim 2 as suggest by the Examiner. Accordingly, the Examiner is requested to remove the objection to claim 2.

Claims 1-3 are rejected under 35 U.S.C. § 102(a) as being anticipated by Bigo et al. (“5.12 Tbit/s (128x40 Gbit/s WDM) Transmission Over 3x100 km of TeraLight Fibre”, hereinafter referred to as “Bigo”). Applicant respectfully submits that the claimed invention would not have been anticipated by or rendered obvious in view of the cited reference.

Independent claim 1 recites “modulating channels which are to be subjected to the right side filtering using a modulator with a positive chirp; and modulating channels which are to be subjected to the left side filtering using a modulator with a negative chirp.” Similarly, independent claim 3 recites “the modulators of the transmitter modulate channels which are to be subjected to the left side filtering with a negative chirp and modulate channels which are to be subjected to the right side filtering with a positive chirp.”

With regard the above features of the claimed invention, the Examiner cites Figs. 1 and 2 and column 2, paragraph 1 of Bigo for allegedly disclosing “odd and even channels are modulated independently by two different Mach-Zehnder modulators, therefore providing a positive and negative chirp.” However, Applicant respectfully submits that Bigo does not teach or suggest modulating channels which are to be subjected to right side filtering using a modulator with a positive chirp and modulating channels which are to be subjected to left side

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filtering using a modulator with a negative chirp. That is, although a Mach-Zehnder modulator can be utilized to provide a non-zero transient chirp, which can be positive or negative, by applying a modulated control signal one of the electrodes and a fixed bias voltage to the other electrode, nowhere does Bigo disclose modulating with a positive chirp for the right side band and modulating with a negative chirp for left side band.

Accordingly, Applicant respectfully submits that independent claims 1 and 3, as well as dependent claim 2, should be allowable because the cited reference does not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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AMENDMENTS TO THE DRAWINGS

In response to the objection to the drawings, descriptive labels have been added to Figs. 3 and 4.

Attachment: Replacement Sheets